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FACSIMILE TRANSMISSION**DATE:** February 23, 2005**MATTER NUMBER:** 47607-P285US-10022899

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(Examiner: Jin Cheng Wang)		

FROM: Susan Bloomfield/ Tom Meaney**USER ID:** TM01891 **FLOOR:** 26**PHONE:** (214) 855-8230**FAX:** (214) 855-8200**RE:** Application No. 09/863,913

INTERNET IMAGE PROJECTOR

NUMBER OF PAGES WITH COVER PAGE: 16

*Paper to be treated
as petition to
W2 ABNT.*

Message:

Good day, Mr. Razavi:

As per our phone conversation, attached please find a copy of the Appeal Brief and USPTO stamped postcard for the referenced matter. It is understood that this copy will replace the lost copy received by the USPTO with a receipt date of July 20, 2004, and that this matter has not been technically abandoned.

Please call with any comments and/or questions. We look forward to your communication.

Thank you so much for your time,

Susan

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Atty Docket No.: 10004913-1
Reference: 47607/P285US/10022899
Inventor: Hans A. Lichtfuss
Application No.: 09/863,913; Conf. # 1626
Title: INTERNET IMAGE PROJECTOR

Filing Date: May 23, 2001

Documents Filed:

Transmittal Appellant's Brief (2 pages; 1 original, 1 copy)
Appellant's Brief (13 pages in triplicate)
2 Return Postcards



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Date: July 20, 2004

HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P. O. Box 272400
Fort Collins, Colorado 80527-2400

PATENT APPLICATION

ATTORNEY DOCKET NO. 10004916-1

IN THE
UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): Hans A. Lichtfuss

Confirmation No.: 1626

Application No.: 09/863,913

Examiner: J. C. Wang

Filing Date: 05-23-2001

Group Art Unit: 2672

Title: INTERNET IMAGE PROJECTOR

Mail Stop Appeal Brief-Patents
Commissioner For Patents
PO Box 1450
Alexandria, VA 22313-1450

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TRANSMITTAL OF APPEAL BRIEF

Sir:

Transmitted herewith in triplicate is the Appeal Brief in this application with respect to the Notice of Appeal filed on 05-21-2004.

The fee for filing this Appeal Brief is (37 CFR 1.17(c)) \$330.00.

(complete (a) or (b) as applicable)

The proceedings herein are for a patent application and the provisions of 37 CFR 1.136(a) apply.

() (a) Applicant petitions for an extension of time under 37 CFR 1.136 (fees: 37 CFR 1.17(a)-(d) for the total number of months checked below:

() one month	\$110.00
() two months	\$420.00
() three months	\$950.00
() four months	\$1480.00

(X) The extension fee has already been filled in this application.

() (b) Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

Please charge to Deposit Account 08-2025 the sum of \$330.00. At any time during the pendency of this application, please charge any fees required or credit any over payment to Deposit Account 08-2025 pursuant to 37 CFR 1.25. Additionally please charge any fees to Deposit Account 08-2025 under 37 CFR 1.16 through 1.21 inclusive, and any other sections in Title 37 of the Code of Federal Regulations that may regulate fees. A duplicate copy of this sheet is enclosed.

(X) I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail, Airbill No. EV482737422US, in an envelope addressed to: Mail Stop Appeal Brief-Patents, Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450 Date of Deposit: July 20, 2004

OR

() I hereby certify that this paper is being transmitted to the Patent and Trademark Office facsimile number _____ on _____

Number of pages:

Typed Name: Phyllis Ewing

Signature: 

Respectfully submitted,

Hans A. Lichtfuss

By 

Thomas J. Meaney

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Docket No.: 10004915-1
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Hans A. Lichtfuss

Application No.: 09/863,913

Confirmation No.: 1626

Filed: May 23, 2001

Art Unit: 2672

For: INTERNET IMAGE PROJECTOR

Examiner: J. C. Wang

APPELLANT'S BRIEF

MS Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This brief is in furtherance of the Notice of Appeal, filed in this case on
May 21, 2004.

The fees required under § 1.17(f) and any required petition for extension of time for
filing this brief and fees therefore, are dealt with in the accompanying TRANSMITTAL OF
APPEAL BRIEF.

This brief is transmitted in triplicate.

This brief contains items under the following headings as required by 37 C.F.R.
§ 1.192 and M.P.E.P. § 1206:

- | | |
|------|-----------------------------------|
| I. | Real Party In Interest |
| II | Related Appeals and Interferences |
| III. | Status of Claims |
| IV. | Status of Amendments |
| V. | Summary of Invention |
| VI. | Issues |

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- VII. Grouping of Claims
- VIII. Arguments
- IX. Claims Involved in the Appeal
- Appendix A Claims

I. REAL PARTY IN INTEREST

The real party in interest for this appeal is:

Hewlett-Packard Company, a California corporation, having its principal place of business in Palo Alto, California.

II. RELATED APPEALS AND INTERFERENCES

There are no other appeals or interferences which will directly affect or be directly affected by or have a bearing on the Board's decision in this appeal.

III. STATUS OF CLAIMS**A. Total Number of Claims in Application**

There are 23 claims pending in application.

B. Current Status of Claims

1. Claims canceled: 4 and 17
2. Claims withdrawn from consideration but not canceled: none
3. Claims pending: 1-3, 5-16, and 18-25
4. Claims allowed: none
5. Claims rejected: 1-3, 5-16, and 18-25

C. Claims On Appeal

The claims on appeal are claims 1-3, 5-16, and 18-25.

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IV. STATUS OF AMENDMENTS

Applicant filed an Amendment After Final Rejection on March 15, 2004. The Examiner responded to the Amendment After Final Rejection in an Advisory Action mailed May 7, 2004. In the Advisory Action, the Examiner indicated that, while Applicants' proposed amendments to claim 22 would be entered, it did not place the application in condition for allowance.

Accordingly, the claims enclosed herein as Appendix A incorporate the amendments to claim 22, as indicated in the paper filed.

V. SUMMARY OF INVENTION

The invention is a portable projector (100) that includes a network interface for receiving presentation data over a network connection (105). Specification, p. 6, lns 1 – 4. The projector (100) also includes a projection system (106) within the portable projector (100) for projecting the received presentation data onto a projection screen (104) separate from the portable projector (100) and disposed so as to reflect the projected received presentation data, wherein the network interface and the projection system (106) are disposed within a single container. Specification, p. 4 lns 2 – 5, p. 9 lns 16 – 27, p. 10 lns 2 – 10. A flatbed scanner (101) is also included within the single container for providing scanned data to the projection system (106). Specification, p. 6 lns 24 – 29, p. 10 lns 1 – 10.

VI. ISSUES

A. First Issue

The first issue is whether claims 1 – 3 and 5 – 7 are obvious under 35 U.S.C. § 103 (a) considering U.S. Patent No. 6,437,786 to Yasukawa (hereinafter *Yasukawa*) in view of U.S. Patent No. 5,465,174 to Sprotberry (hereinafter *Sprotberry*) and further in view of U.S. Patent No. 6,554,431 to Binsted (hereinafter *Binsted*), as asserted by the Examiner, even where the combination of all of the references do not teach or suggest each and every element of the claims.

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B. Second Issue

The second issue is whether claims 8 – 16 and 18 – 21 are obvious under 35 U.S.C. § 103 (a) considering U.S. Patent No. 6,437,786 to Yasukawa (hereinafter *Yasukawa*) in view of U.S. Patent No. 6,044,178 to Lin (hereinafter *Lin*) and further in view of U.S. Patent No. 6,069,707 to Pekelman (hereinafter *Pekelman*), as asserted by the Examiner, even where the combination of all of the references do not teach or suggest each and every element of the claims.

C. Third Issue

The third issue is whether claims 22 – 25 are obvious under 35 U.S.C. § 103 (a) considering U.S. Patent No. 6,437,786 to Yasukawa (hereinafter *Yasukawa*) in view of U.S. Patent No. 5,465,174 to Sprotberry (hereinafter *Sprotberry*) and further in view of U.S. Patent No. 6,554,431 to Binsted (hereinafter *Binsted*), as asserted by the Examiner, even where the combination of all of the references do not teach or suggest each and every element of the claims.

VII. GROUPING OF CLAIMS

For purposes of this appeal brief only, and without conceding the teachings of any prior art reference, the claims have been grouped as indicated below:

Group Claim(s)

- I. claims 1 – 3 and 5 – 7;
- II. claims 8 – 16 and 18 – 21;
- III. claims 22 – 25

The claims do not stand or fall as a group. In Section VIII below, Appellants have included arguments supporting the separate patentability of each claim group as required by M.P.E.P. § 1206.

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VIII. ARGUMENTS

A. Separate Patentability

Claim Groups I, II, and III each contain limitations that are not shared by the other groups. Because these limitations are not shared universally, each group would be separately patentable. Moreover, the Examiner applied different rejections to each of the groups. For example, the apparatus described in Group I includes the limitations of a network interface, a projection system that projects onto a separate projection screen, and a flatbed scanner being disposed with a single container. Group II describes a method in which some of the step include identifying a media access site on a bidirectional network and accessing that media access site. Prior art which may or may not be applicable to Group I would not inherently also apply to Group II. Furthermore, Group II describes a portable system that includes a means for controlling a presentation. Again prior art which may or may not be applicable to either Groups I or II would not inherently or necessarily also apply to Group III. Therefore, Applicant believes that Groups I, II, and III are separately patentable.

B. First Issue – Claim Group I

With regard to the claims of Group I, claim 1 requires, “a flatbed scanner within said single container for providing scanned data to said projection system.” In his rejection, the Examiner admitted that *Yasukawa* “does not implicitly teach a flatbed scanner within the single container for providing scanned data to the projection system.” January 21, 2004 Final Office Action, p. 3. The Examiner attempted to cure this defect by offering *Binsted*, which teaches a camera that acts as an image pickup device, and *Sprotberry*, which teaches a laser raster scanner within a projector display. January 21, 2004 Final Office Action, p. 3. The Examiner stated that the *Binstead* camera and the *Sprotberry* raster scanner “teaches the claim limitation of a flatbed scanner within the single container for providing scanned data to the projection system.” January 21, 2004 Final Office Action, p. 3.

In response to this determination, Applicant attempted to point out to the Examiner that neither a camera, as taught in *Binsted*, nor a laser raster scanner, as taught in *Sprotberry*, is a flatbed scanner as required in claim 1. Amendment After Final, pp. 7 – 8. In fact, it is well-known in the art that a raster scanner, as taught in *Sprotberry*, is a device that deflects a beam of energy (the laser beam from laser diode 22) across the reactive side of a display

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screen (the liquid crystal light valve 26) in order to activate or record the displayed image onto the display screen, much like the scanning electron gun of a typical cathode ray tube (CRT) display or television. It is not even within the same technological field as a flatbed scanner, as claimed.

The Examiner responded in the May 7, 2004, Advisory Action that Applicant "FAILED to identify the CRITICALITY of the 'flatbed scanner' and to define the term 'flatbed scanner'" in the specification and because of this failure, the Examiner was free to interpret a flatbed scanner as a regular scanner because "most scanners are flatbed." Advisory Action, p. 2. Applicant respectfully asserts that the Examiner is incorrect in his rejection. First, regardless of what criticality is or is not assigned to the claim element in the specification, the fact is that Applicant specifically claimed a flatbed scanner. This is not a situation in which a feature is described as critical in the specification and then omitted from the claim language. Claim 1 explicitly requires a flatbed scanner. Therefore, in order to properly reject claim 1, the Examiner is required to provide a prior art reference that teaches or suggests a flatbed scanner.

Secondly, when not defined by an applicant in the specification, claim terms must be given their plain meaning. This means that they must be read as they would be interpreted by those of ordinary skill in the art. *Rexnord Corp. v. Laitram Corp.*, 274 F.3d 1336, 1342 (Fed. Cir. 2001). One of ordinary skill in the art would not interpret a flatbed scanner to be a regular scanner, let alone a camera or a non-analogous raster scanner. Furthermore, the Examiner's supporting statement that "most scanners are flatbed" scanners is completely unsupported. Many different types of scanners exist, each of which is in widespread use. Sheet-fed scanners, hand scanners, drum scanners, and the like, are very different and distinct from flatbed scanners and each other. Applicant specifically claimed a flatbed scanner, which is a device that is well-known in the art. By using a definition that goes beyond the plain meaning of a flatbed scanner, the Examiner has improperly interpreted the claim language.

Neither *Yasukawa*, *Binsted*, nor *Sproberry* teach or suggest a flatbed scanner. Therefore, Claim Group I is patentable over the rejections of record.

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C. Second Issue – Claim Group II

With regard to the claims of Group II, claim 8 requires, “performing said steps of accessing, downloading, and projecting employing a single apparatus; and acquiring presentation data from an optical scanner disposed within said single apparatus.” The Examiner admits that “*Yasukawa* does not implicitly teach the claim limitation of acquiring presentation data from an optical scanner disposed within a single apparatus.” January 21, 2004, Final Office Action, p. 6. In the Advisory Action, the Examiner supports his rejection by re-stating, “The claim 8 recites an optical scanner disposed within the single apparatus that does not necessarily mean that the scanner and the projection system be disposed within a single container.” Advisory Action, p. 2. However, according to the language of claim 8, the single apparatus is required to access the media access site, download at least one image from the media access site, project downloaded ones of the images at a venue site local to the projecting, and have a scanner disposed within the single apparatus. Thus, the claim language requires the projection system and the scanner to be disposed within a single apparatus. Neither *Yasukawa* nor *Lin* nor *Pekelman* discloses or suggests these limitations.

The Examiner relies on *Yasukawa* to teach the first of these limitations. However, *Yasukawa* does not teach or suggest accessing an identified media site, downloading at least one image from said media access site, and projecting downloaded ones of the images at a venue site local to the projecting using a single apparatus. Neither the sections cited by the Examiner, column 9, lines 19 – 55 and column 10, lines 1 – 12, nor the remainder of *Yasukawa* teach or suggest that these functions are performed using a single apparatus.

The selections from *Yasukawa* cited by the examiner merely describe a collection of various hardware and software for implementing the network projector system. *Yasukawa* col. 9, lns 19 – 55 and col. 10, lns 1 – 12. There is no teaching or suggestion that this collection of hardware or software performs the presently claimed features using a single apparatus. In fact, as the title and description of *Yasukawa* suggest, the *Yasukawa* projection system is intended for use across a network, thus, implying the use of multiple apparatus. Moreover, the remaining figures and descriptions in *Yasukawa* fail to describe or illustrate performance of the features using a single apparatus. Therefore, even if *Lin* disclosed acquiring presentation data from a scanner within a single apparatus, the single apparatus from *Lin* does not access an identified media site, download at least one image from said

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media access site, and project downloaded ones of the images at a venue site local to the projecting using the same, single apparatus.

In addition to the failure of *Yasukawa* to teach performance of the currently claimed features using a single apparatus, *Lin* also does not teach or suggest a scanner disposed within a single apparatus. Contrary to the Examiner's assertion, *Lin* teaches the possibility of a scanner as a separate apparatus. Figure 1A of *Lin* illustrates and describes a scanner 18 as a possible input device 12 separate from the image processing unit 14 and separate from the output device 16. Figure 1B of *Lin* illustrates and describes the image processing unit 14 and the LCD projector 26 (i.e., the output device 16) being disposed in a single apparatus. However, even in this embodiment, the input device 12 is shown as a separate apparatus. Moreover, Figure 1C of *Lin* illustrates and describes a PC 12, the image processing unit 14, and an I/O interface 36 as being disposed on a single apparatus while the scanner 18 is, again, illustrated as a separate apparatus connected to the single apparatus. Therefore, *Lin* does not teach or suggest the scanner disposed on the single apparatus as presently claimed in claim 8.

The Examiner uses *Pekelman* to bolster the existence of an optical scanner. *Pekelman*, however, does not teach or suggest an optical scanner disposed within a single apparatus that is also used to access an identified media site, download at least one image from said media access site, and project downloaded ones of the images at a venue site local to the projecting using the same, single apparatus. Therefore, because *Yasukawa*, *Lin*, and *Pekelman* fail individually and in combination to teach or suggest each of the claim limitation of Claims Group II, Group II is patentable over the rejections of record.

D. Third Issue – Claim Group III

With regard to the claims of Group III, claim 22 requires, “means at said portable system for receiving presentation data from a scanning apparatus within said portable system, wherein said presentation data received from said scanning apparatus comprises images embodied on flat media.” In the Advisory Action, the Examiner equated this limitation with the limitation of claim 1 requiring a flatbed scanner. The Examiner cited *Binsted* and *Sprotberry* as teaching a flatbed scanner in rejecting claim 22. However, claim 22 requires that the presentation data received from the scanning apparatus comes from images embodied on flat media. This limitation does not specifically require a flatbed scanner.

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As indicated above, *Sproberry* is not analogous art, as the laser raster scanner disclosed therein is not the same technology as the scanner recited in claim 22. *Binsted* is also not applicable to reject claim 22 as *Binsted* is directed to projecting and controlling images on a three-dimensional curved surface. E.g., Col. 1, lns 9 – 13, lns 26 – 56; Col. 2, lns 20 – 38. Therefore, because *Binsted* does not teach or suggest images embodied on flat media, as required by claim 22, Group III is patentable over the rejection of record.

IX. CLAIMS INVOLVED IN THE APPEAL

A copy of the claims involved in the present appeal is attached hereto as Appendix A. As indicated above, the claims in Appendix A include the amendments filed by Applicant on March 15, 2004.

Applicant has enclosed all fees believed due with this response. However, if additional fees are due or there is an overpayment, please use Deposit Account No. 08-2025, under Order No. 10004915-1 from which the undersigned is authorized to draw.

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail, Airbill No. EV482737422US, in an envelope addressed to: MS Appeal Brief-Patents, Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Date of Deposit: July 20, 2004

Typed Name: Phyllis Ewing

Signature: 

Respectfully submitted,

By 

Thomas J. Meaney
Attorney/Agent for Applicant(s)
Reg. No.: 41,990

Date: July 20, 2004

Telephone No. (214) 855-8230

Application No.: 09/863,913

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APPENDIX A

Claims Involved in the Appeal of Application Serial No. 09/863,913

1. (Previously Presented) A portable projector, comprising:
a network interface for receiving presentation data over a network connection;
a projection system within said portable projector for projecting said received presentation data onto a projection screen separate from said portable projector and disposed so as to reflect said projected received presentation data, wherein said network interface and said projection system are disposed within a single container; and
a flatbed scanner within said single container for providing scanned data to said projection system.
2. (Previously Presented) The portable projector of claim 1 wherein said presentation data is multimedia presentation data.
3. (Previously Presented) The portable projector of claim 1 further comprising:
a memory card reader.
4. (Canceled)
5. (Previously Presented) The portable projector of claim 1 further comprising:
a communication interface to a personal computer.
6. (Previously Presented) The portable projector of claim 5 wherein said personal computer may be local to said projector or may be connected to said personal computer via said network interface.
7. (Previously Presented) The portable projector of claim 5 wherein said communication interface is a wireless interface.

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8. (Previously Presented) A method for portably providing a presentation, the method comprising the steps of:

- identifying a media access site on a bidirectional network;
- accessing said media access site;
- downloading at least one image from said media access site;
- projecting downloaded ones of said images at a venue site local to said projecting;
- performing said steps of accessing, downloading, and projecting employing a single apparatus; and
- acquiring presentation data from an optical scanner disposed within said single apparatus.

9. (Original) The method of claim 8 wherein said identifying step is also performed within said single apparatus.

10. (Original) The method of claim 8 wherein said step of projecting comprises the step of:
projecting onto a reflective screen facing said apparatus.

11. (Original) The method of claim 8 wherein said network is the Internet.

12. (Original) The method of claim 8 wherein said network is a link to a specific site remote

13. (Original) The method of claim 8 wherein said downloading step comprises the step of:
downloading a substantially complete presentation.

14. (Original) The method of claim 13 wherein said projecting step comprises the step of:
projecting said substantially complete presentation.

15. (Original) The method of claim 8 further comprising the step of:
accessing a succession of linked pages on said media access site under control of instructions from said single apparatus.

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16. (Original) The method of claim 15 further comprising the step of:
downloading at least one image from selected linked pages of said accessed
succession of linked pages; and
projecting said at least one downloaded image from said selected linked pages.
17. (Canceled)
18. (Original) The method of claim 8 further comprising the step of:
acquiring presentation data from a memory card positioned within said single
apparatus.
19. (Original) The method of claim 8 further comprising the step of:
enabling presentation data on said media access site to be edited by a user in
communication with said network.
20. (Original) The method of claim 19 wherein said editing user is local to said
presentation.
21. (Original) The method of claim 19 wherein said editing user is remote from
said presentation.
22. (Previously Presented) A portable system for viewing a presentation, the
system comprising:
means at said portable system for receiving presentation data over a bi-directional
network connection from a media access site;
means at said portable system for receiving presentation data from a scanning
apparatus within said portable system, wherein said presentation data received from said
scanning apparatus comprises images embodied on flat media;
means for controlling a presentation of said received presentation data; and
means for projecting said controlled presentation at said portable system.

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23. (Original) The system of claim 22 further comprising:
means controlled by a user of said presentation data for modifying said presentation data on said media access site; and
means for storing said modified presentation data on said media access site.

24. (Original) The system of claim 23 wherein said modifying means comprises:
means for modifying said presentation data from a location remote from said media access site.

25. (Original) The system of claim 22 wherein said receiving means comprises:
means for receiving selected ones of presentation components disposed on said media.